REMARKS

These remarks are set forth in response to the Office Action dated September 24, 2004. As December 24, 2004 is a Federal Holiday and December 25 and 26, 2004 are weekend days, the filing of this Response on December 27, 2004 falls within the three-month statutory period. Accordingly, neither an extension of time nor a fee is required.

Presently, claims 1 through 11 are pending in the Patent Application. Claims 1, 4, 7 and 10 are independent claims. In the Office Action, claims 1, 2, 7 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by the admitted prior art of the background section of the Patent Application. Moreover, claims 3-6 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art of the background section of the Patent Application when combined with the teachings of United States Patent No. 5,491,795 to Beaudet et al. (Beaudet). Finally, claims 10 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art of the background section of the Patent Application.

In response, the Applicants respectfully traverse the rejections on the art as the Applicants believe that the admitted prior art of the background section of the Patent Application fails to teach each limitation of claims 1, 2, 7 and 8. Moreover, the admitted prior art of the background section of the Patent Application alone, and the admitted prior art of the background section of the Patent Application when combined with the teachings of Beaudet cannot support a prima facie case of obviousness as required under the Patent Act and defined in the Manual of Patent Examining Procedure, section 2142 in respect to claims 3-6 and 9-11. Prior to a more in depth discussion of the rejections on the art, however, a brief review of the Applicants' invention is appropriate.

The Applicants have invented a method, system and apparatus for manipulating multiple open document windows in an application through the pull-down menu of any one of the multiple open document windows. In accordance with the present invention, the pull-down menu bar of each open document window in an application can be configured with a pull-down menu list of open document windows associated with the application. Each listed document window can have a corresponding window manipulation interactive user interface element, for example a button. In this way, a selected open document window in the pull-down menu list can be manipulated through another open document window without requiring the activation of the selected open document window.

Notably, the invention claimed in the Patent Application addresses the manipulation of selected open document windows in SDI and MDI applications in a centralized and convenient manner. In this regard, the invention can be compared to the prior art arrangement shown in Figure 1 of the Patent Application. Specifically, as shown in Figure 1, where many document windows have been opened in an SDI or MDI application having decentralized window controls, selecting and closing individual ones of the document window can be burdensome. The problem can be compounded where screen space is limited and it is not possible to view all open document windows. Consequently, unlike the prior art, in the invention claimed in the Patent Application, the selection and manipulation of selected open document windows can be performed through a centralized window control.

Turning now to the rejections on the art, claims 1, 2, 7 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by the admitted art referenced in the background section of

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the Patent Application--namely Figure 1. Claim 1 includes two limitations which are exemplary for claim 7:

(A)   creating a pull-down menu in the activated open document window including a listing of open document windows and corresponding interactive user interface elements; and,

(B)   responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the activated interactive user interface element.

Thus, claims 1 and 7 speak to the activation of an "interactive user interface element" corresponding to a listing entry for an open document window and the manipulation of an inactive open document window corresponding to the "activated interactive user interface element".

The prior art user interface of Figure 1, however does not teach a pull-down menu having both a listing of open documents windows and corresponding interactive user interface elements as recited in limitation A. Rather, Figure 1 shows only a pull-down menu with a listing of open document windows. Moreover, the prior art user interface of Figure 1 also does not teach or even suggest that the selection of the posting of a window manipulation operation in an inactive open document window let alone an inactive open document window corresponding to the activated interactive user interface element associated with a listing of the inactive open document window in the pull-down menu as recited in limitation B. Rather, Figure 1 only teaches the selection of the inactive open document window which can suffice, as it is well-known in the art to post a message to the operating system (and not the inactive open document window) to bring the inactive open document window into focus.

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Claim 4 recites four limitations which inherently distinguish over the teachings of Figure 1, even when combined with Beaudet as follows:

(W)   a pull-down menu disposed in an active open document window;

(X)   a list of open document windows disposed in the pull-down menu;

(Y)   a set of activatable interactive user elements disposed in the pull-down menu, each activatable interactive user element *corresponding* to one of the listed open document windows, each activatable interactive user element having a screen position in the pull-down menu which is *adjacent* to the corresponding listed open document window; and,

(Z)   an event handler configured to post pre-defined window manipulation events to inactive open document windows associated with activated ones of the activatable interactive user elements.

As before, Figure 1 wholly lacks any teaching directed to the juxtaposition of an activatable interactive user element to a listed open document window as explicitly recited in limitations Y and Z. Figure 1 further wholly lacks any teaching directed to the presence of an event handler which has been configured to post window messages to inactive open document windows which are associated with an activated one of the interactive user elements in the pull-down menu in the active open document window. Yet, Beaudet cannot cure the deficiencies of Figure 1 in that Beaudet as admitted by the Examiner only shows window manipulation operations in a pull-down menu for an active window associated with the pull-down menu. Accordingly, the combination of Beaudet and Figure 1 does not render the invention as recited in claim 4 merely obvious.

In this regard, as required by Section 2142 of the Manual of Patent Examining Procedure (MPEP), to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must reach or suggest all the claim limitations. Clearly, the recitation of the admitted prior art of the background section of the Patent Application alone, or the admitted prior art of the background section of the Patent Application when combined with Beaudet cannot satisfy the three basic criteria of Section 2142.

Specifically, the combination of the admitted prior art and Beaudet does not suggest all of the claim limitations as recited in claims 3-6 and 9-11. Moreover, no where in either of the prior art references is it suggested that Beaudet can be combined with the admitted prior art to produce the invention as claimed in claims 2-6 and 9-11. Finally, the proposition of modifying a garden-variety pull-down menu as shown in Figure 1 to produce the claimed invention cannot be found anywhere within any of the cited teachings, including those which have not been specifically referenced, but merely casually stated under Official Notice such as the user interface of Microsoft Internet Explorer.
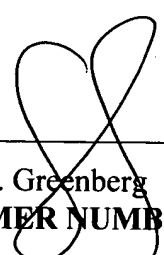
More specifically, it is well-known that the floating context windows such as that referred to in Microsoft Internet Explorer wholly lack a close window operation. Thus, it follows that the floating context windows such as that referred to in Microsoft Internet Explorer also wholly lack a close window operation which can be posted from a floating context window for an active window to the message handler of an inactive window. In the case of Microsoft Internet

Explorer, all messages posted in consequence of the use of a floating context window are first handled in the message loop for the active window, and subsequently posted the message loop for the operating system. At no time is a message posted from Microsoft Internet Explorer based upon the activation of a menu item in a floating context menu to the message loop of an inactive window.

In sum, the Applicants believe that the originally filed claims 1-11 distinguish over the cited art and stand patentable and ready for an indication of allowance. As such, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) based upon the foregoing remarks. This entire application is now believed to be in condition for allowance. Consequently, such action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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